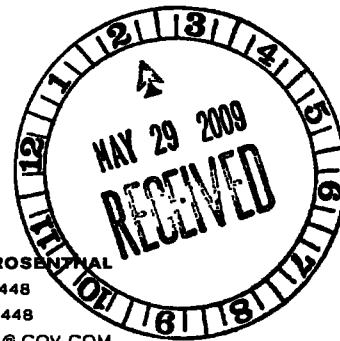


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May 29, 2009

BY HAND

The Honorable Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

225189

Re: STB Finance Docket No. 35219, *Union Pacific Railroad Company –
Petition for Declaratory Order*

Dear Secretary Quinlan:

Union Pacific has observed that several parties have filed letters in the above-referenced docket after the deadline established by the procedural schedule, apparently in an attempt to reply to Union Pacific's "Rebuttal and Reply to Comments."

Union Pacific will not formally object to those filings because its purpose in asking the Board to institute this proceeding was to create a full discussion of the issues. If the Board chooses to consider those untimely filings, we would simply point out that none of them shows that the general chlorine marketplace, or any particular shipper or receiver, would suffer any substantial hardship if the Board granted Union Pacific's Petition.

Understandably, chlorine sellers want to maximize profits by expanding the universe of potential buyers and buyers want to minimize costs by expanding the universe of potential suppliers. However, the ability of chlorine buyers and sellers to conscript Union Pacific in that effort, and to shift the risks and costs of their decisions onto Union Pacific and the public at large, must be constrained by the statutory requirement that requests for transportation be "reasonable." 49 U.S.C. § 11101(a).

Thank you for your attention to this matter.

ENTERED
Office of Proceedings

MAY 29 2009

Part of
Public Record

Sincerely,

Michael L. Rosenthal

cc: Parties of record